THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.24702 OF 2005

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Dt:23.11.2005

Between:

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Syed Abdul Rahaman

… Petitioner

and

The Depot Manager, APSRTC and another

… Respondents

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ORDER:

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The petitioner is employed as a Conductor in Andhra Pradesh State Road Transport Corporation. A charge-sheet was issued to him on 06.10.1998 alleging that he committed certain irregularities while conducting a service from Gudur to Chennai. It was alleged that he collected a sum of Rs.186/- from six passengers, but failed to issue tickets to them. It was also alleged that a sum of Rs.45/- was collected from a batch of five passengers and the S.R. was closed without issuing tickets. The petitioner submitted his explanation and a departmental enquiry was conducted. Through his order, dated 22.02.1999, the Depot Manager, the first respondent, removed the petitioner from service. After exhausting the remedies of appeal and review, the petitioner raised an industrial dispute before the Labour Court and the same was taken up as I.D.No.99 of 1999. Through its Award, dated 31.08.2004, the

Labour Court directed reinstatement of the petitioner, but denied the benefit of back-wages and continuity of service. The petitioner challenges the Award in so far as it denied the said benefits to him.

Sri V.Mallik, the learned counsel for the petitioner submits that the petitioner did not commit any irregularity and the very fact that the Labour Court was satisfied that the petitioner deserves to be reinstated, discloses that the charges against the petitioner cannot be said to have been proved. He further contends that denial of back-wages and continuity of service would have a serious impact on the petitioner.

Sri R.Manmadha Reddy, the learned standing counsel for the respondents, on the other hand, submits that the Labour Court had, in fact, concurred with the findings recorded by the Enquiry officer, and despite the same, directed reinstatement. He submits that the relief of reinstatement itself is in a way unwarranted and the petitioner cannot have any grievance about denial of other benefits.

The petitioner was removed from service on the ground that he did not issue tickets to certain passengers having collected the fare. After going through the record, the Labour Court found that as many as six passengers were not issued tickets even after the S.R. was closed after a particular stage. The petitioner did not offer any plausible explanation for such a serious irregularity. Having found that the petitioner was guilty of certain lapses, the Labour Court directed reinstatement of the petitioner purely in exercise of its discretion under Section 11 of the Industrial Disputes Act. The denial of back-wages and continuity of service cannot at all be said to be either untenable or unsustainable.

Hence, the writ petition is dismissed.

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23.11.2005

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